

Four County Family Court Program: Bartholomew, Brown, Lawrence and Jackson

Basic Information

Program Judicial Officer for each County:

Bartholomew, Judge Stephen Heimann, Referee Heather Mollo

Brown, Judge Judith Stewart

Jackson, Judge Bruce Mac Tavish

Lawrence, Judge Michael Robbins, Judge Andrea McCord

Program Implementation: January 2004

Personnel: Pat McSoley and Paige McSoley were selected by mutual agreement of the judicial officers to serve as the family court mediator and administrator for all of the counties, and are under contract to provide mediation and administration services for all aspects of the Program.

Funding:

Family Court Program Funding

The Program was originally granted \$56,000 per year for a two year period. The funds are held by the Lawrence County Auditor, and the Family Court Administrator files claims for mediation services through Lawrence County. In addition, Bartholomew County has received a CASA grant and a grant from the Department of Child Services. The judges agree on an annual budget, allocating funds for the various services to be provided. By combining their resources, the Program is more economically feasible than a plan requiring the individual counties to administrate their own individual programs.

Family Court Programming

ADR in Divorce and Paternity Cases

The ADR plans were designed to provide affordable mediation services to low income and pro se parties in divorce and paternity cases. The Program acts as a gate keeper for pro-se cases and significantly expedites cases by helping parties complete the correct documentation needed for agreed settlements and orders. The use of the same mediator in all of the counties insures consistent procedures and streamlines the process for the courts.

Pursuant to statute, three of the counties individually filed an ADR Plan with the Division of State Court Administration. The Plan enables each county to collect a \$20 fee to help defray the administration costs for taking the cases into the program. The parties are required to pay a “co-pay” for mediation services based upon their financial situation and the length of the services they require. The ADR Fees help to finance mediation costs for low income families. The ADR Fees are maintained in each county and are separate from the Family Court Project fund. The ADR Fees can be used only in the county generating the fee.

The Family Court Mediator and Administrator conduct an Intake Conference once per month in each Court for all families referred to the Program. The coordinator begins the intake process by meeting in the courtroom with all the referred parties. He explains the benefits of mediation and gives an overview of the process. He then meets individually with each family for 15 minutes to take the proper information and to determine if the parties already have an agreement and need assistance creating the legal documents, or whether they have contested issues that require mediation. If they are in agreement, Mr. McSoley schedules them for a brief session to assist them with document preparation. When there are contested issues, a formal mediation session is scheduled .

CHINS Facilitation. The CHINS facilitation programming is based on two different models of facilitation, tailored to the needs of Bartholomew and Lawrence Counties.

The facilitation model used in Bartholomew County involves the use of facilitation meetings at the pre-judgment stage in every CHINS case. Parents, family members, support persons, attorneys, DCS case workers, service providers, and children (when of an appropriate age)

will meet outside of the courtroom with the facilitator. The meeting is used to clarify the issues, share information, improve communication and assist the parties in reaching agreements on allegations and services that are necessary. In this model, facilitation is a standardized process for all CHINS cases. Facilitation promotes greater communication among between parties and providers, increases parental involvement and ownership in the reunification process, and enables more rapid service delivery for the family. It avoids the delay and adversary nature of adjudicating a contested fact finding hearing.

The facilitation model in Lawrence County uses facilitation only in selected CHINS cases. The Court selects which cases can benefit from a meeting outside of the courtroom with a neutral. This model has proved successful in every stage of CHINS proceedings, including case planning, review hearings, placement issues and in termination of parental rights cases.

Truancy Facilitation. Bartholomew County has instituted a Truancy Facilitation program. The Family Court Mediator facilitates a conference between the parents, school officials and the ATTENDS program coordinator to identify why the child has been absent from school, what affect the absences are having on the child's academic progress and to resolve the problems causing the truancy. These conferences reduce tension between school personnel and parents, identify families who are in need of services, increase communication among the participants and motivates the family to take concrete steps to insure the child's attendance.

Families Served in Four County Program.

Since August 2004, the 4-County Family Court Program has provided services to over 600 families in divorce and paternity cases. In addition, the Program has conducted more than 80 facilitations in CHINS cases and more than 125 families have participated in truancy facilitations. Of the cases accepted into the Program, 93% of the families resolved their disputes without the necessity of a trial.